

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 32738 of 2006(V)

PETITIONER:

VENUGOPAL, AGED 50,
S/O. MADHAVAN PILLAI, ASSISTANT HOSTEL
SUPERINTENDENT, GOVT.INDUSTRIAL TRAINING INSTITUTE
ATTINGAL.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF LABOUR
SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DIRECTOR,
DEPARTMENT OF INDUSRIAL TRAINING, DIRECTORATE OF
INDUSTRIAL TRAINING, THYCAUD, THIRUVANANTHAPURAM.
3. THE ADMINISTRATIVE OFFICER,
DIRECTORATE OF INDUSTRIAL TRAINING,
THYCAUD, THIRUVANANTHAPURM.
4. THE PRINCIPAL,
GOVT.INDUSTRIAL TRAINING INSTITUTE, ATTINGAL.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K.DENESAN, J.

WP (C) No. 32738 OF 2006

Dated this the 15th December, 2006.

JUDGMENT

The petitioner belongs to the category of Assistant Hostel Superintendent. While working in the Government Industrial Training Institute at Attingal he has been transferred to Government Industrial Training Institute at Pallikkathodu to take charge of the hostel there. The petitioner submits that the transfer order was passed without taking note of certain relevant facts. It is contended that the authorities are having the wrong impression that there is no hostel at Attingal whereas the fact is that a building has been found out for the proper functioning of a hostel and the rent also has been fixed for the building. Therefore it is open to the respondents to pass orders directing the concerned authorities to start the functioning of the hostel, in which event there will not be any necessity to transfer the petitioner causing inconvenience and hardship to him.

2. Govt. Pleader submits that the question of the hostel functioning at Attingal is under active consideration and until appropriate decision is taken full fledged functioning of the hostel cannot be guaranteed. The petitioner's service has to be utilised in another

hostel where there is dearth of competent hands. That is why he is posted in the hostel at Pallikkathodu. According to the respondents the petitioner has been transferred in public interest against an open vacancy at Pallikkathodu and therefore he cannot be heard to say that he is having legitimate grievance against the order of transfer.

3. Having considered the submissions made by counsel on either side, I feel that it is not proper for this Court to interfere with the impugned order under Art.226 of the Constitution of India, as matters now stand. The direction sought for by him to permit him to work as Assistant Hostel Superintendent attached to the Government Industrial Training Institute, Attingal is therefore declined. It is made clear that upon the hostel building pointed out by the petitioner in the writ petition gets ready for functioning pursuant to orders to be passed by the Government, the petitioner's grievance shall be taken into consideration and appropriate orders passed without delay. With the above observation, the writ petition is disposed of.

K.K.DENESAN
Judge